

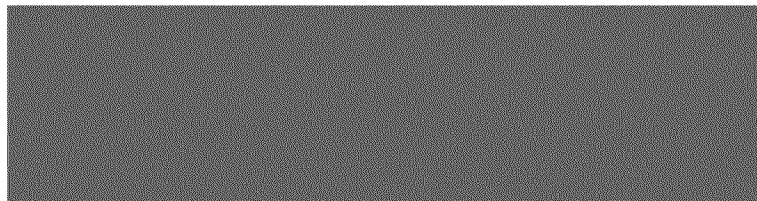
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Cc: Odendahl, Steve[Odendahl.Steve@epa.gov]
From: Laumann, Sara
Sent: Tue 3/14/2017 5:24:17 PM
Subject: FW: From E&E Daily -- AIR POLLUTION: Utah lawmakers use CRA as weapon against haze rule

From: Talbert, Stephanie (ENRD) [mailto:Stephanie.Talbert@usdoj.gov]
Sent: Tuesday, March 14, 2017 10:59 AM
To: Greenglass, Nora <Greenglass.Nora@epa.gov>; Laumann, Sara <Laumann.Sara@epa.gov>; Odendahl, Steve <Odendahl.Steve@epa.gov>
Subject: FW: From E&E Daily -- AIR POLLUTION: Utah lawmakers use CRA as weapon against haze rule

FYI

From: Vaden, Christopher (ENRD)
Sent: Tuesday, March 14, 2017 12:56 PM
To: Lipshultz, Jon (ENRD) <JLipshultz@ENRD.USDOJ.GOV>; Talbert, Stephanie (ENRD) <STalbert@ENRD.USDOJ.GOV>; Carfora, Debra (ENRD) <DCarfora@ENRD.USDOJ.GOV>
Subject: FW: From E&E Daily -- AIR POLLUTION: Utah lawmakers use CRA as weapon against haze rule

FYI



AN E&E NEWS PUBLICATION

AIR POLLUTION

Utah lawmakers use CRA as weapon against haze rule

Sean Reilly, E&E News reporter

Published: Tuesday, March 14, 2017

Utah lawmakers are seeking to deploy the Congressional Review Act against U.S. EPA's regional haze rule for the state.

Republican Sen. Mike Lee introduced a CRA **resolution of disapproval** yesterday, following up on **H.J. Res. 87**, a similar House measure dropped in Friday by Rep. Jason Chaffetz, another Republican.

The EPA plan, published last July over state objections, would require two coal-fired plants owned by PacifiCorp to slash emissions of nitrogen oxides, with the goal of improving visibility at nine national parks and wilderness areas, including Canyonlands National Park in Utah and the Grand Canyon in Arizona.

PacifiCorp estimates the cost of new pollution controls at \$700 million. The Oregon-based company and state elected officials are contesting the EPA plan in lawsuits filed with the 10th U.S. Circuit Court of Appeals.

In a news release yesterday, Chaffetz echoed their opposition, saying EPA had assumed unwarranted authority "in order to impose significant costs without any discernible benefit."

"Such actions are typical of Obama-era federal overreach and must be repealed," Chaffetz said.

The Congressional Review Act, dating to 1996 but rarely used until this year, allows simple majorities in the House and Senate to overturn relatively recent regulations. Anything put in place on or after June 13, 2016, is fair game, according to the Congressional Research Service.

At Heal Utah, an advocacy group that backs the EPA plan, Executive Director Matt Pacenza called the repeal effort distressing, given that EPA has put years of study into developing its plan.

Utah lawmakers are "choosing politics" over the health of state residents and clearer park vistas, Pacenza said.

The haze program, authorized by the Clean Air Act, aims to restore natural visibility conditions to 156 national parks and wilderness areas by 2064.

Under the Obama administration, EPA's willingness to use the program to force cleanups of older coal-fired plants has spawned a string of lawsuits.

Among the challengers was Scott Pruitt, EPA's new administrator. As Oklahoma's Republican attorney general, he spent three years in an unsuccessful fight against EPA's regional haze plan for his state.

Last week, the 8th U.S. Circuit Court of Appeals agreed to EPA's request to launch settlement talks in litigation over federal haze regulations for Arkansas (**Greenwire**, March 8).

In the Utah case, Utah Attorney General Sean Reyes (R) filed a **brief** Friday seeking to void the haze plan. PacifiCorp is already seeking a stay; EPA's latest

response to that bid is due March 23.

Co-sponsoring the bills introduced by Lee and Chaffetz are the remaining members of Utah's congressional delegation, all of whom are also Republicans: Sen. Orrin Hatch and Reps. Rob Bishop, Chris Stewart and Mia Love.

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